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PTO/SB/21 (6-99)

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Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence after initial filing)</i>	<b>Application Number</b>	09/921,161	
	<b>Filing Date</b>	August 1, 2001	
	<b>First Named Inventor</b>	Ralph, Peter	
	<b>Group/Art Unit</b>	1641	
	<b>Examiner Name</b>	Cheu, Changhwa J.	
<b>Total Number of Pages in This Submission</b>	4	<b>Attorney Docket Number</b>	39766-0066A

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Version with Markings Showing Changes <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition <input type="checkbox"/> Petition to Convert to a Provisional Application  <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> Request for Refund	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information  <input checked="" type="checkbox"/> <b>REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 37 CFR 1.705(b)</b> <input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below): stamped return postcard; copy of USPTO date-stamped return postcard.
<b>Remarks</b>		
<b>AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT 08-1641 FOR ANY FEES DUE IN CONNECTION WITH THIS PAPER (Atty. Docket No. 39766-0066A).</b>		

SIGNATURE OF APPLICANT, ATTORNEY OR AGENT			
<b>Firm or Individual name</b>	GINGER R. DREGER, ESQ. Reg. No. 33,055, HELLER EHRMAN WHITE & McAULIFFE LLP		
<b>Signature</b>			
<b>Date</b>	JUNE 23, 2005	<b>Customer Number:</b>	25213

CERTIFICATE OF EXPRESS MAILING			
I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated below and addressed to: Mail Stop ____, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450			
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<b>Signature</b>		<b>Date</b>	JUNE 23, 2005

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**THE UNITED STATES PATENT AND TRADEMARK OFFICE  
ACKNOWLEDGMENT AND RECEIPT FOR FILING**

Applicant: Peter Ralph                      Serial No. 09/921,161  
Filing Date: August 1, 2001              Examiner      Cheu, C. J.  
Title: ANALYTICAL METHOD

- ☒ Transmittal;  
☒ Amendment and Response to Restriction Requirement.

Attorney Docket No.: 39766-0066A  
Date: October 27, 2003  
GRD/car

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	) Examiner: CHEU, CHANGHWA J.
	)
Peter Ralph	) Art Unit: 1641
	)
Application Serial No. 09/921,161	) Attorney's Docket No. 39766-066A
	)
Filed: August 1, 2001	) Customer No. 25213
	)
For: ANALYTICAL METHOD	)
	)

EXPRESS MAIL LABEL NO. EL 992 478 743 US  
Date Mailed: June 23, 2005

REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT  
UNDER 37 C.F.R. § 1.705(b)

MS: PETITIONS  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

Applicants hereby request reconsideration of the Patent Term Adjustment (PTA) accorded to the above-referenced patent application. The *Determination of Patent Term Adjustment under 35 U.S.C. 154(b)*, attached to the Notice of Allowance mailed on June 2, 2005, states that the PTA is "299" days.

**REMARKS**

According to the U.S. Patent and Trademark Office (PTO), the total PTA for the above-referenced patent based on the Applicants' Delay and PTO Delay, was **299** days. Applicants respectfully submit that, as described in detail below, the correct total PTA for this patent is **572** days. Applicants are also in disagreement with the Applicants' Delay of **104** days, as indicated in the PAIR/PALM system. Applicants believe that the Applicants' Delay should be **0** days.

A *Restriction Requirement* in connection with the present application was mailed on October 2, 2003. A *Response to the Restriction Requirement*, as attested by the attached date-stamped return receipt postcard, was mailed on October 27, 2003, and accorded a date of receipt of October 30, 2003. A review of the Patent Term Adjustment (PTA) in the PAIR/PALM system shows that the U.S. Patent and Trademark Office (PTO) calculated the Patent Term

Adjustment according April 16, 2004 as the date of receipt for this response. The latter date is the date when Applicants re-faxed the original response to the PTO, along with proof that it was originally mailed on October 27, 2003. Since Applicants filed a timely response to the *Restriction Requirement* on October 30, 2003, the elapsed time from February 29, 2004 (four months from October 30, 2003) to the mailing of the next Office Action on September 21, 2004 caused a PTO delay of **205** days.

Accordingly, the total PTO delay is **572** days, while Applicant's delay is **0**.

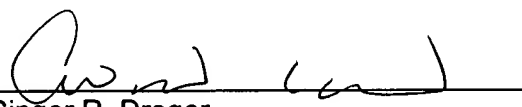
Therefore, Applicants respectfully submit that, instead, this patent is entitled to a total PTA of **572** days and request adjustment accordingly.

Additionally, Applicants do not believe the \$200.00 charge for reconsideration of the PTA should be charged to the Applicants, as the error was made on the part of the PTO.

However, any additional fees that may be due in connection with this application may be charged to Deposit Account No. **08-1641** (Attorney's Docket No. **39766-0066A**). Should there be any questions, please contact the undersigned at the correspondence address listed below.

Respectfully submitted,

Date: June 23, 2005

  
Ginger R. Dreger  
Reg. No. 33,055

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